

CHILE 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Chile is a constitutional multiparty democracy. In November 2021, the country held presidential elections and concurrent legislative elections that observers considered free and fair. In December 2021, President-elect Gabriel Boric won a runoff election and on March 11, assumed office. On July 4, a Constitutional Convention presented the text of a proposed new constitution. On September 4, 62 percent of the voters voted to reject the proposed constitution.

The Carabineros (national uniformed police) and the Investigative Police have legal responsibility for law enforcement and maintenance of order, including migration and border enforcement, within the country. The Ministry of the Interior and Public Security oversees both forces. Civilian authorities generally maintained effective control over the security forces. There were reports members of the security forces committed abuses.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; cruel, inhuman, and degrading treatment by law enforcement officers; violence against Indigenous persons; and violence against lesbian, gay, bisexual, transgender, queer, and intersex persons.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or engaged in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were isolated reports that the government or its agents committed arbitrary or unlawful killings. The Investigative Police (PDI) and Public Prosecutor's Office investigated whether security force killings were justifiable, and they pursued prosecutions in cases of alleged unlawful killings.

On January 25, the Supreme Court upheld a lower court decision to dismiss the charge of homicide against a police officer who killed a street juggler in February 2021.

On June 20, Carabineros arrested a man in Rancagua who became ill and later died at a local hospital. The PDI investigated potential police involvement in the death.

On July 30, prosecutors charged three Carabineros for abuse resulting in the October 2021 death of a man who was in their custody at a police station in San Fernando in O'Higgins Region. According to the National Institute of Human Rights (INDH), an independent government authority that monitors complaints and allegations of abuse, Carabineros allegedly choked the man and left him unconscious in his cell. Prosecutors charged the officers with abuse resulting in death and placed one officer in pretrial detention in October 2021. As of September 12, the prosecution against the Carabineros remained pending. Officials dismissed a fourth officer.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

Although the constitution and law prohibit such practices, there were occasional reports of excessive force, abuse, and degrading treatment by law enforcement officers.

On February 14, the INDH filed a criminal complaint for “unlawful physical or mental coercion” of three adolescents attacked by Carabineros when officers responded to a January 3 call at the government-run Adolescent Life Residence. As of September 12, an investigation was pending.

On March 23, prosecutors accused a Carabineros sergeant of unlawful physical or mental coercion. In April 2021, the sergeant allegedly beat a detained man with his service baton in a police station in the town of Canela in Coquimbo Region, despite other officers asking him to stop. The sergeant was prohibited from

leaving the country while the case remained under investigation.

As of September 12, the case regarding 10 members of the army charged with torture was open; two soldiers remained in pretrial detention, while the eight others were under house arrest. During the COVID-19 curfew, the soldiers allegedly detained and bound five persons, drove them to a forest, beat them, and simulated an execution.

On September 1, the San Bernardo Criminal Court convicted a former Carabineros officer of unlawful coercion for firing a tear gas canister and blinding Fabiola Campillai Rojas during a protest in 2019. Sentencing was pending as of September 12.

Human rights groups reported impunity was a problem in the security forces, especially in the Carabineros. The INDH has the authority to file civil rights cases alleging arbitrary killings.

Prison and Detention Center Conditions

The country had a hybrid prison system where the government owned most facilities, while private companies had concessions to provide services, including laundry and electronic monitoring. Human rights organizations reported poor health care, violence, and abuse by guards were problems in several prisons. According to the INDH and other observers, conditions in some prisons were poor due to antiquated infrastructure, overcrowding, substandard sanitary infrastructure, and inadequate water supplies.

Abusive Physical Conditions: The prison system's population was unevenly distributed, with approximately 50 percent of prisons operating beyond maximum capacity, while others were underpopulated. Overpopulation and inadequate facilities frequently led to comingling of pretrial detainees and convicted prisoners. The INDH reported that prisoners were often confined to their cells for most of the day, a practice that did not allow sufficient time for exercise or participation in rehabilitation and readjustment programs.

Prisoner and human rights groups investigated alleged abuse, gender-based violence, and use of excessive force by prison guards against detainees. INDH

attorneys requested the prison service review its detention and transfer protocols after a pregnant detainee on April 7 unexpectedly lost her baby after experiencing labor pains while in leg and hand shackles in an Araucania Region detention facility. In September 2021, prosecutors accused a prison guard of sexually abusing a female suspect who was being transported from her detention control hearing to pretrial detention. As of October 2021, the guard remained in pretrial detention and an investigation was pending.

Administration: Independent government authorities, including the INDH, generally investigated credible allegations of mistreatment. The government usually monitored and investigated prison and detention center conditions.

Independent Monitoring: The government permitted prison visits by independent human rights observers, and such visits took place at both government and privately operated facilities.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government did not always observe these requirements.

Arrest Procedures and Treatment of Detainees

Only public officials expressly authorized by law may arrest or detain citizens, and they generally did so openly, with warrants based on sufficient evidence brought before an independent judiciary. Authorities must immediately inform a prosecutor of an arrest and generally did so.

The prosecutor must open an investigation, receive a statement from the detainee, and ensure the detainee is held at a local police station until the detention control hearing. Detention control hearings are held twice daily, allowing for a judicial determination of the legality of the detention within 24 hours of arrest. Detainees must be informed of their rights, including the right to an attorney and the right to remain silent until an attorney is present. Public defenders are provided for detainees who do not hire their own lawyer. Authorities must expedite notification of the detention to family members. If authorities do not inform detainees of their

rights upon detention, the judge may declare the process unlawful during the detention control hearing.

The law allows judges to set bail, grant provisional liberty, or order continued detention as necessary for the investigation or the protection of the prisoner or the public.

Arbitrary Arrest: On August 11, a criminal court convicted two Carabineros officers of illegal detention and unlawful coercion for the beating and abandonment of a man in a forested area in Negrete in Araucania Region in 2019.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and the judiciary generally enforced that right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

In civil matters, there is an independent and impartial judiciary that permits individuals to seek civil remedies for human rights abuses. The civil justice system retained antiquated and inefficient procedures that resulted in civil trials lasting years, sometimes decades. Administrative and judicial remedies are available for alleged wrongs. Individuals and organizations may appeal adverse domestic decisions domestically or to regional human rights bodies. Cases involving abuses of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission on Human Rights. The commission may submit the case to the Inter-American Court of Human Rights, which in turn may order civil remedies, including fair compensation to the injured individual.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of media.

Violence and Harassment: On May 1, journalist Francisca Sandoval died from injuries she sustained after being shot in the face while covering a Workers' Day demonstration for local television broadcaster Canal Senal 3 La Victoria in the Barrio Meiggs neighborhood of Santiago. Media reported Sandoval was intentionally targeted while reporting on the demonstration. Police arrested the suspected shooter, and the prosecutor's office was investigating.

As of October 31, only two of nearly 300 recent cases of reported aggression towards journalists led to formal charges. There were no reported cases during the year. In September 2021, prosecutors charged Francisca Benavides Vera with unjustified detention of journalists in Arica; a trial was pending as of November 1.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees, including access to education and health care.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In November 2021, the country held concurrent presidential and legislative elections, which observers considered free and fair. In December 2021, in free and fair elections, voters chose Gabriel Boric as president; on March

11, he took office.

On July 4, the Constitutional Convention presented the text of a proposed new constitution. On September 4, 62 percent of the voters rejected the proposed constitution, with more than 85 percent of eligible voters casting ballots in a free and fair election. Voting was compulsory.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

Corruption: As of September, Miguel Angel Aguilera, the former mayor of the San Ramon municipality, was under house arrest pending trial. In July 2021, he was accused of repeated bribery, illicit enrichment, and money laundering.

Prosecutors brought charges against former army officials accused of corruption. A hearing for the preparation of an oral trial was scheduled for November 16 for former army Commander in Chief Juan Miguel Fuente-Alba for embezzlement of public funds and money laundering. The National Prosecutor's Office also filed a motion seeking a 10-year sentence for Fuente-Alba's wife for her role in concealing the use of public funds. In an August 2021 pretrial hearing, prosecutors requested a 15-year sentence for Juan Miguel Fuente-Alba.

On July 13, the Prosecutor's Office confirmed the arrest of Karen Rojo, the former mayor of Antofagasta, who fled the country after being convicted of tax fraud.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human

Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, including multiple investigations into abuses during the 2019-20 civil unrest. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The INDH operated independently and effectively, issued public statements and an annual report, and proposed changes to government agencies and policies to promote and protect human rights. The Senate and the Chamber of Deputies have standing human rights committees responsible for drafting human rights legislation.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape. Penalties for conviction of rape range from five to 15 years' imprisonment, and the government generally enforced the law.

The law criminalizes some forms of both physical and psychological domestic violence and protects the privacy and safety of the victim making the charge of rape or domestic violence.

Gender-based violence, including rape and femicide, was a significant problem.

Family courts handle cases of domestic violence and penalize offenders with fines and other sanctions, such as eviction of the offender from the residence shared with the survivor, restraining orders, confiscation of firearms, and court-ordered counseling. Cases of habitual psychological abuse and physical abuse are prosecuted in the criminal justice system. Penalties for conviction are based on the gravity of injuries and range from 61 days' to 15 years' imprisonment. Murder in the context of domestic violence is defined as femicide in the criminal code, and penalties range from 15 years to life in prison. The government generally enforced the laws against domestic violence effectively.

The Ministry of Women and Gender Equality had a victim's assistance and protection program that operated psychological, legal, and social assistance centers and shelters throughout the country and maintained an emergency hotline.

On June 3, in Puerto Saavedra in Araucania Region, Irma Curiñanco Carrera was found on the street with stab wounds and later died at a local hospital. Police arrested her former partner. A restraining order prohibiting him from approaching the victim had expired in April. The man was placed in pretrial detention.

On July 25, three off-duty Carabineros officers were accused of raping a woman at a party in the district of La Cisterna in Santiago Metropolitan Region. The officers were dismissed from the police force, and prosecutors pursued criminal charges against two of the three officers.

Sexual Harassment: Workplace sexual harassment is a civil but not criminal offense; penalties are outlined exclusively in the labor code. By law sexual harassment in the workplace is cause for immediate dismissal from employment. The law requires employers to define internal procedures or a company policy for investigating sexual harassment. Employers may face fines and payment of additional financial compensation to victims if it is shown the company did not follow its policy on sexual harassment. The law provides protection to those affected by sexual harassment from employers and coworkers. The law provides severance pay to individuals who resign due to sexual harassment if they worked at least one year with the employer.

Sexual harassment in public spaces is a crime. The law defines any words or gestures of a sexual nature designed to intimidate or humiliate another person as harassment. The law also covers visual recordings of an individual's genital area or private parts made without consent. Depending on the severity of the crime, penalties for conviction range from 61 days' to five years' imprisonment and fines.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government's National Health Service provided contraception and reproductive health services. Access to sexual and reproductive health services and information was limited in remote regions, which especially affected poor

women.

The National Service for Women and Gender Equality provided access to medical, legal, and psychological services for victims of sexual violence, including the provision of emergency contraception as part of clinical management of rape. Emergency contraception was also available at pharmacies without a prescription for the purpose of family planning.

Discrimination: Although women possess most of the same legal rights as men, local human rights organizations reported the government did not enforce the law effectively and that discrimination persisted in employment, pay, ownership and management of businesses, and education.

Certain laws defining the marital relationship enable discrimination. The most common marital arrangement is “conjugal society,” which provides that a husband has the right to administer joint property, including his wife’s property, without consultation or written permission from his wife, but a wife must demonstrate that her husband has granted his permission before she is permitted to make financial arrangements. The law provides that, unless a woman is married under the separate-estate regime or a joint-estate regime, she may not enter a commercial partnership agreement without permission from her husband, while a man may enter such an agreement without permission from his wife.

Despite a law providing for equal pay for equal work, one-third of women were paid less than men, according to an organization specializing in market and consumer data. The Ministry of Women and Gender Equality oversaw protecting women’s legal rights and was specifically tasked with combating discrimination against women.

Systemic Racial or Ethnic Violence and Discrimination

Equal treatment and nondiscrimination are explicitly protected in the constitution, and the labor code specifically prohibits discrimination. There were reports of discrimination against racial minorities and immigrants in public health and education.

The government implemented training programs for public officials on assisting

immigrants, incorporated interpreters into offices, and provided information in languages other than Spanish, specifically Haitian Creole. Several municipal governments implemented plans for assisting migrants with public services.

Haitian migrants and Venezuelan migrants, including those of Afro-descent, reported xenophobia and discrimination in their local communities. In September 2021, and in January, several thousand citizens engaged in anti-immigrant protests in the northern city of Iquique, including attacks on migrant camps.

Indigenous Peoples

Although the constitution does not specifically protect Indigenous groups, Indigenous persons have the right to participate in decisions affecting their lands, cultures, and traditions, including the exploitation of energy, minerals, timber, and other natural resources on Indigenous lands. According to human rights organizations, Indigenous persons encountered serious obstacles to exercising these civil and political rights, including the right to use natural resources in their territories, to political participation, and to nondiscrimination and equal access to justice.

While Indigenous lands were demarcated, some Indigenous Mapuche and Rapa Nui communities demanded restitution of privately and publicly owned traditional lands.

The law recognizes nine Indigenous groups in the country and creates an administrative structure to provide specialized programs and services for the economic, social, and cultural development of these persons.

Indigenous persons experienced societal discrimination, including in employment. There were reports of incidents in which Indigenous persons were attacked and harassed. There were reports of police abuse of Mapuche individuals and communities, including children. The INDH initiated legal proceedings to protect the constitutional rights of Mapuche individuals, including children and adolescents, in cases of use of excessive force by security forces.

Children

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents or grandparents. There were no reports that birth registration was denied on a discriminatory basis.

Child Abuse: There are laws against child abuse, but a lack of effective prosecutions remained a problem. The law renders persons convicted of child sexual abuse permanently ineligible for any position, job, career, or profession in educational settings requiring direct and habitual contact with children younger than age 18. The law also mandates a public registry of these sex offenders.

In November 2021, a judge found two shelter workers of the National Service for Minors (SENAME) guilty of having committed unlawful coercion and causing the death of Lisette Villa, age six, in 2016 through abusive physical restraining techniques. In April, the Santiago Appellate Court confirmed the sentence applied to both defendants: one received a sentence of four years of supervised probation, and the other received five years of supervised probation. The INDH acted as coplaintiff before the Santiago Appellate Court.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18 (16 with parental consent).

Sexual Exploitation of Children: The law prohibits all forms of human trafficking and prescribes penalties ranging from five years to 20 years in prison, plus fines, for conviction of trafficking offenses. Child sex-trafficking cases were often prosecuted under a different law, for which conviction provides lesser penalties. Due to sentencing guidelines for first-time offenders that provide automatic parole for any sentence of less than five years' confinement, many convicted traffickers received weak sentences, hampering efforts to deter traffickers and hold them accountable.

Sexual relations with children ages 14 to 17 may be considered statutory rape depending on the circumstances. Sex with a child younger than age 14 is considered rape, regardless of consent or the victim's gender. Penalties for conviction of statutory rape range from five to 20 years in prison. Child pornography is a crime. Penalties for conviction of producing child pornography

range from 541 days to five years in prison.

Commercial sexual exploitation of children and adolescents was a problem, and children were victims of sex trafficking with and without third-party involvement. Children were also used in the production of pornography.

Institutionalized Children: SENAME continued implementing a restructuring begun after investigations of the 2017 death of an age 11 child in SENAME custody revealed systemic problems of abuse and neglect in SENAME shelters. The restructuring included closing traditional shelters for vulnerable children and replacing them with family-style residences. The first family-style residences opened in 2019 in Valparaíso and Santiago.

The My Lawyer Program of the Judicial Assistance Corporation filed numerous complaints in prior years regarding the commercial sexual exploitation of children and adolescents who resided in SENAME shelters or residences, or in shelters overseen by Better Childhood (which replaced SENAME in 2021). In March, officials denounced a case of sexual exploitation in a residence in the Santiago municipality administered by Better Childhood.

Antisemitism

The Jewish community was approximately 18,000 persons, and approximately 60,000 persons in the country were of Jewish ancestry.

The Jewish community reported an increase in antisemitic social media posts and media publications, including the July 11 publication of a racist internet meme embedded in a newspaper advertisement published in *Las Últimas Noticias* for discount alcohol vendor Arbol Verde, a private company.

Gerardo Gordischer, president of the Jewish Community of Chile, stated antisemitic comments on social media increased following President Boric's September 15 refusal to accept the diplomatic credentials of Israeli Ambassador Gil Artzeyli. The refusal was due to what the Ministry of Foreign Relations called "the framework of political sensitivity" generated by the death of an age 17 Palestinian "during an Israeli Army operation" on the same day.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: There are no laws criminalizing consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: Violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals continued. On July 30, chef Jaime Vergara was found dead of knife wounds at his home in Quillota with a homophobic slur written on his body. The alleged perpetrator was arrested and placed in pretrial detention.

In March the Homosexual Integration and Liberation Movement (MOVILH) reported that in 2021 it received 1,114 reports of violence or discrimination due to sexual orientation or gender identity, a 12 percent decrease compared with 2020. The cases included three killings, police abuse, discrimination in the workplace, and hate campaigns.

Discrimination: The most common discriminatory acts reported to MOVILH were verbal abuse and discrimination in public services, such as police operations, public education, and health services.

The law prohibits discrimination against persons based on sexual orientation or gender identity in housing, employment, and access to government services. The government generally enforced these laws effectively. At times, however, authorities appeared reluctant to use the full recourse of antidiscrimination laws, including charging assailants of LGBTQI+ victims with a hate crime, which would elevate criminal penalties.

On March 10, the 2021 Marriage Equality Act went into effect, giving all families the right to the same benefits and protections provided by marriage.

Availability of Legal Gender Recognition: The law grants transgender citizens age 14 and older the right to have gender markers on government-issued identity cards and university diplomas changed to reflect their gender identity without a medical exam. For individuals age 18 and older, the process involves submitting a request to the Civil Registry and Identification Service; for individuals age 14 to 17, the process is done in family courts.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There was no evidence of any efforts to promote or require “conversion therapy” practices.

Intersex activists reported children born with sex characteristics that do not align with typical notions of either male or female bodies were routinely subjected to nonconsensual medical treatment, including surgeries to “normalize” their bodies. This was despite a 2015 Ministry of Health circular instructing such procedures be discontinued. Reportedly, the Chilean Medical Association was supportive of a ban on nonconsensual intersex surgeries and was working with activists to end these practices.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions on freedom of expression, association, or peaceful assembly with respect to LGBTQI+ issues.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. Nonetheless, persons with disabilities suffered de facto discrimination in employment and occupation, education, housing, and health care. Persons with disabilities cannot access all public buildings and transportation on an equal basis with others.

While the law requires universal and equal access to these services, information, and communications, such access was limited, and most public buildings did not comply with legal accessibility mandates. The public transportation system, including many metro stations and most buses, particularly outside Santiago, did not adequately provide accessibility for persons with disabilities. National

government communications via television were interpreted into sign language, but not all forms of government information and communications, including information from regional and local governments, were provided in accessible formats.

Children with disabilities attended public and private school with their peers and in segregated schools. Parents may choose whether to enroll their children in special education centers.

The law stipulates employers adopt measures to include workers with disabilities into their workforce; the law includes an annual reporting requirement. As of June 30, the Labor Directorate, an independent government authority under the Ministry of Labor, reported many companies complied with the requirements set by the labor inclusion law and that many labor contracts included some type of labor inclusion provision. Employment rates for persons with disabilities were highest in the Santiago Metropolitan Region and lower in rural areas, especially the northern Arica and Parinacota Region.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers, with some limitations, to form and join independent unions of their choice, bargain collectively, and conduct strikes. The law also prohibits antiunion practices and requires either back pay or reinstatement for workers fired for union activity.

Workers in the private sector and in state enterprises have the freedom to unionize without prior approval. Police, military personnel, and civil servants working for the judiciary are prohibited from joining unions. Union leaders are restricted from being candidates or members of congress. The Labor Directorate has broad powers to monitor unions' financial accounts and financial transactions. For example, unions must update their financial records daily, and ministry officials may inspect the records at any time.

The law prohibits public employees from striking, although they frequently did. While employees in the private sector and workers in formal and regulated

collective bargaining units have the right to strike, the law places some restrictions on this right. For example, an a majority of workers, rather than a majority of those voting, must approve strikes.

The law prohibits employees of providers of services such as water and electricity from striking, and it stipulates compulsory arbitration to resolve disputes in these companies. Additionally, workers employed by companies or corporations whose stoppage would cause serious damage to the health, economy, or security of the country do not have the right to strike.

Employers may not dismiss or replace employees for being involved in a strike. Unions must provide emergency personnel to fulfill the company's "minimum services." Minimum services include the protection of tangible assets and the company's facilities, accident prevention, ensuring the supply of essential public services, and ensuring the prevention of environmental and sanitary damage.

The law gives to unions the right to access certain information by requiring large companies to disclose annual reports, balance sheets, statements of earnings, and audited financial statements. Large companies must provide any public information required by the Superintendence of Securities and Insurance within 30 days of the date when the information becomes available. Smaller companies must provide the information necessary for preparing collective bargaining processes.

The law extends collective bargaining rights to intercompany unions, provided they represent workers at employers having 50 or more employees and falling within the same economic rubric or activity. An absolute majority of all covered workers must indicate through secret ballot that they agree to be represented by an intercompany union in collective bargaining. Intercompany unions for workers at micro or small businesses (i.e., with fewer than 50 workers) are permitted to bargain collectively only when the individual employers all agree to negotiate under such terms.

The law does not provide for collective bargaining rights for workers in a public or private institution that received more than 50 percent of its funding from the state in either of the preceding two years, or whose budget was dependent upon the Defense Ministry. The law also does not provide for collective bargaining in

companies and organizations whose employees are prohibited from striking, such as in health care, law enforcement, and public utilities. The law extends bargaining rights to apprentices and short-term employees.

Labor courts may require workers to resume work upon a determination that a strike, by its nature, timing, or duration, causes serious risk to the national economy or to health, national security, and the supply of goods or services to the population. Generally, a back-to-work order should apply only when a prolonged strike in a vital sector of the economy might endanger public safety or health, and it should apply only to a specific category of workers.

The government enforced applicable laws effectively, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were regularly applied against violators whenever inspectors from the Labor Directorate corroborated violations. Companies are generally subject to sanctions for labor violations, which vary according to the severity of the case. Companies may receive “special sanctions” for infractions, which include antiunion practices. Freedom of association was generally respected.

Employers sometimes did not respect the right to collective bargaining. Nongovernmental organizations (NGOs) and unions reported companies sought to inhibit the formation of unions and to avoid triggering collective bargaining rights, especially among seasonal agricultural workers and in key export sectors such as mining, forestry, and fishing. These companies used subcontracts and temporary contracts when increasing the size of their workforces, making it more difficult for a union to organize the workforce. Subcontracted employees usually earned lower wages than regular employees performing the same task, and many contractors failed to provide formal employment benefits, such as social security, health care, and pensions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor but does not criminally prohibit forced labor except when it results from human trafficking. The government did not effectively enforce this law. NGOs reported many government officials

responsible for identifying and assisting victims had limited resources and insufficient expertise in identifying victims of labor trafficking. Additionally, judges often suspended or commuted sentences. The government worked to prevent and to combat forced labor through its interagency antitrafficking taskforce, which included international organizations and local NGOs. Labor trafficking continued to occur. Some foreign citizens were subjected to forced labor in the mining, agriculture, construction, street vending, garment, domestic service, and hospitality sectors. Some children were forcibly employed in the agricultural, industrial, and service sectors, as well as in the illegal drug trade (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit employment discrimination based on race, sex, age, civil status, union affiliation, religion, political opinion, nationality, national extraction, social origin, disability, language, sexual orientation, gender identity, HIV-positive status or other communicable diseases, refugee or stateless status, ethnicity, or social status. The government and employers may not discriminate because of refugee status, stateless status, or ethnicity, but workers must have a work permit or be citizens to hold contracted jobs.

The law provides civil legal remedies to victims of employment discrimination based on race, ethnicity, nationality, socioeconomic situation, language, ideology, political opinion, religion, belief, association or participation in union organizations or lack thereof, gender, sexual orientation, gender identity, marriage status, age, political affiliation, personal appearance, and sickness or physical disability. For all public agencies and for private employers with 100 or more employees, the law requires 1 percent of jobs be reserved for persons with

disabilities.

The government enforced the applicable laws effectively, and penalties were commensurate with other laws related to civil rights. Penalties were regularly applied against violators. Authorities generally enforced the law in cases of sexual harassment, and the Directorate of Labor received 593 such cases in 2021. There was no evidence of police or judicial reluctance to act. Companies may receive “special sanctions” for infractions such as denying maternity leave.

Discrimination in employment and occupation continued to occur. One-third of women were paid less than men, with women earning 12.5 percent less than men on average and reaching as high as 50 percent less at higher organization levels. (See also section 6.) Indigenous persons continued to experience societal discrimination in employment. Statistics regarding rates of discrimination faced by different groups were not available.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage exceeded the poverty level. The law sets the legal workweek at six days or 45 hours. The maximum workday is 10 hours (including two hours of overtime pay). The law provides exemptions from restrictions on hours of work for some categories of workers such as managers; administrators; employees of fishing boats; restaurant, club, and hotel workers; drivers; airplane crews; telecommuters or employees who work outside of the office; and professional athletes.

The law mandates at least one 24-hour rest period during the workweek, except for workers at high altitudes, who may exchange a work-free day each week for several consecutive work-free days every two weeks. Annual leave for full-time workers is 15 workdays, and workers with more than 10 years of service are eligible for an additional day of annual leave for every three years worked. Overtime is any time worked beyond the 45-hour workweek, and workers are due time-and-a-half pay for any overtime performed.

Occupational Safety and Health: The law establishes occupational safety and health (OSH) standards, which are applicable to all sectors. Inspectors with the Labor Directorate and the National Service for Geology and Mines actively

identified unsafe conditions, including lack of personal protective equipment against COVID-19, in addition to responding to workers' OSH complaints. Special safety and health norms exist for specific sectors such as mining and diving. The National Service for Geology and Mines is further mandated to regulate and inspect the mining industry. The law does not regulate the informal sector. By law, workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.

Wage, Hour, and OSH Enforcement: The Labor Directorate was responsible for enforcing minimum wage and other labor laws and regulations; the directorate effectively enforced these laws. Penalties were commensurate with those for similar crimes such as fraud and were regularly applied against violators. As of February, the Labor Directorate had 467 inspectors who conducted both regular and unannounced workplace visits, an insufficient number for the number of workers, according to the International Labor Organization. Inspectors may impose penalties for violations of labor, wage and hour, social security, and OSH laws.

The Ministry of Health and the Ministry of Labor administered and effectively enforced OSH standards. Penalties for violations of OSH laws were commensurate with those for similar crimes, such as negligence. The law establishes fines for noncompliance with labor regulations. Companies may receive "special sanctions" for infractions such as causing irreversible injuries to an employee. Penalties were commensurate with those for similar crimes such as negligence and were regularly applied against violators.

Informal Sector: An April-June survey by the Statistics National Institute revealed informal employment represented 27.1 percent of total employment, an increase of 1.1 percentage points from 2021. Labor laws did not cover informal sector workers. Some individuals who work in informal jobs, however, are eligible for cash benefits from the Ministry of Social Development and Family. The largest sectors with informal workers included agricultural and fishery workers (51.9 percent), craft and related trade workers (44.3 percent), and elementary occupations (37.3 percent).